

### III. REMARKS

1. Claims 17-32, 34-38, and 40-56 remain in the application. Claims 33 and 39 were previously cancelled without prejudice. Claims 17, 24, 45, and 52 have been amended.
2. Claim 52 has been amended to overcome the 35 USC 101 rejection.
3. Claims 17-32, 34-38, 40-47, and 49-56 are patentable over the combination of Takahara et al. (US 5,381,158, "Takahara") and Kojima et al. (US 6,236,398, "Kojima") under 35 USC 103(a).

The combination of Takahara and Kojima fails to disclose or suggest:

allowing the user to do a first movement of a member of the body to a position corresponding to an alternative the user desires, and recognizing a second movement of a member of the body done by the user in the position corresponding to the alternative the user desires,

wherein said positions are sectors on an arcuate area surrounding the user and separated by separating areas arranged to reduce selection errors, and

wherein said first movement comprises moving the member of the body to a certain sector on said arcuate area between two of the separating areas,

as substantially recited by claims 17, 24, 45, and 52.

The present Action mailed on 6 September 2007 properly points out that Takahara fails to disclose or suggest that the alternatives surround the user and that the positions are sectors on an arcuate area and the first movement comprises moving the member of the body to a certain sector on the arcuate area.

Applicants respectfully submit that Takahara also fails to disclose that the positions on the arcuate area are separated by separating areas arranged to reduce selection errors,

and that the first movement comprises moving the member of the body to a certain sector on the arcuate area between two of the separating areas.

Applicants respectfully submit that Kojima fails to supply these missing features.

An operator using Kojima's embodiments does not move a body member to a sector on an arcuate area surrounding the user. The operator uses the device in Figure 1 to make selections. Referring to Figure 2 for exemplary purposes only, the user does not move a body member to any portion of table 8 to make a selection. The operator selects an icon by rotating a knob and pressing a button on media selecting device 1 of Figure 1. Media selecting device 1 does not have an arcuate area surrounding the user and operating the device does not involve moving a body member to a sector on an arcuate area surrounding the user. In other words, manipulating the knob and buttons on the device does not include moving a body member to a sector on an arcuate area surrounding the user.

Furthermore, neither reference discloses that the position corresponding to an alternative the user desires is separated by separating areas arranged to reduce selection errors. Applicants fails to find this feature anywhere in Takahara and Kojima and respectfully request column and line numbers in the references where this feature is disclosed.

At least for these reasons, independent claims 17, 24, 45, and 52 and dependent claims 18-23, 25-32, 34-38, 40-44, 46, 47, 49-51, and 53-56 are patentable over the combination of Takahara and Kojima.

4. Applicants respectfully submit that claim 48 is patentable over the combination of Takahara, Kojima and Kumar et al. (US 6,624,833, "Kumar") under 35 USC 103(a).

Claim 48 depends from claim 45.

Kumar fails to disclose or suggest the features missing from the combination of Takahara and Kojima argued above. Kumar has no disclosure related to moving a

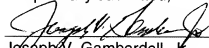
member of the body to a certain sector on an arcuate area surrounding the user, and no disclosure related to the position corresponding to an alternative the user desires being separated by separating areas arranged to reduce selection errors.

Therefore, the combination of Takahara, Kojima, and Kumar fails to render claim 48 unpatentable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
Joseph V. Gambardell, Jr.  
Reg. No. 44,695

7 December 2007  
Date

Perman & Green, LLP  
425 Post Road  
Fairfield, CT 06824  
(203) 259-1800  
Customer No.: 2512

#### CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being transmitted electronically, on the date indicated below, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 12/10/07 Signature:

  
Lynn SHERRIN  
Person Making Deposit